

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL JOHNSON,

Plaintiff,

v.

NOTICE OF REMOVAL

Civil Case No.:

STARBUCKS CORPORATION d/b/a
STARBUCKS COFFEE COMPANY,

Defendant.

**TO: United States District Court
Southern District of New York**

Pursuant to 28 U.S.C. §1441 and 1332, the action entitled *Michael Johnson v. Starbucks Corporation d/b/a Starbucks Coffee Company*, commenced in the Supreme Court of the State of New York for the County of Bronx, Index Number 806243/2021E, is hereby removed by Defendant, Starbucks Corporation d/b/a Starbucks Coffee Company (“Starbucks”), from the Supreme Court of the State of New York, County of Bronx to the United States District Court for the Southern District of New York by the filing of this Notice of Removal with the Clerk of the United States District Court for the Southern District of New York.

Starbucks, by and through its attorneys, Goldberg Segalla LLP, respectfully states the following as grounds for removing this action:

Procedural History

1. On or about May 6, 2021, the above-captioned civil action was commenced, in the Supreme Court of the State of New York, County of Bronx. Plaintiff’s Summons and Complaint were assigned Index Number 806243/2021E (hereinafter, the “State Court Action”).

2. According to the Affidavit of Service filed on May 18, 2021, plaintiff served

Starbucks via the Secretary of State on May 10, 2021.

3. According to the Affidavit of Service filed on May 21, 2021, plaintiff served Starbucks authorized agent on May 10, 2021.

4. Copies of all process, pleadings, and orders served upon Starbucks in the State Court Action are attached hereto as **Exhibit A**.

5. The State Court Action seeks monetary damages for personal injuries allegedly sustained by plaintiff, Michael Johnson, while at a Starbucks Coffee Shop located at 10 Union Square East, New York, New York (“Premises”).

Jurisdiction and Basis for Removal

6. This Court has subject-matter jurisdiction of the action pursuant to 28 U.S.C. § 1332 in that it is a civil action between citizens of different states, and the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

7. Venue is proper pursuant to 28 U.S.C. § 1441(a) as this is the federal district court for the district embracing the place where the state court suit is pending.

A. There is complete diversity between the parties.

8. Plaintiff is a resident of Bronx County, State of New York.

9. Plaintiff is domiciled New York State and is therefore a citizen of New York for diversity purposes.

10. Starbucks is a citizen of the State of Washington.

11. Starbucks is a foreign corporation incorporated under the laws of the State of Washington, with a principal place of business at 2401 Utah Avenue S., Seattle, Washington 98134.

12. Starbucks is a publicly traded corporation and no shareholder owns 10% or more

of the shares of Starbucks stock.

13. Accordingly, full diversity exists between the parties.

B. The matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

14. Though the Complaint does not state the amount of damages that will be sought, on February 25, 2022, plaintiff's counsel sent an email containing a written demand of \$175,000.00. Based on that email and subsequent communications with counsel, Starbucks alleges in good faith that it is reasonably probable that the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. Plaintiff's written monetary demand dated February 25, 2022 is attached as **Exhibit B**.

15. Starbucks has timely brought this Notice of Removal within 30 days of its receipt of plaintiff's written monetary demand. *See* U.S.C. § 1446(b). Prior to the February 25, 2022 email (attached as Exhibit B), Starbucks had no pleading, amended pleading, motion, order, or other paper from which it could ascertain that the case was removable.

16. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon plaintiff, by and through his attorney of record, and is being filed with the Clerk of the Court of the State of New York, Supreme Court, County of Bronx, Bronx County Clerk's Office.

17. By filing this Notice of Removal, Starbucks does not waive any defenses which may be available to it, specifically including, but not limited to, its right to contest *in personam* jurisdiction over Starbucks, improper service of process, and the absence of venue in this Court or the Court from which this action has been removed.

WHEREFORE, Starbucks files this Notice of Removal so that the entire state court action under Index No. 806243/2021E now pending in the State of New York, Supreme Court, County of Bronx be removed to this court for all further proceedings.

Dated: Buffalo, New York
March 24, 2022

GOLDBERG SEGALLA LLP

/s/ Joseph Hanna

Joseph Hanna, Esq. (JH2603)
Attorney for Defendant
Starbucks Corporation d/b/a
Starbucks Coffee Company
665 Main Street
Buffalo, New York 14203-1425
(716) 566 - 5447
jhanna@goldbergsegalla.com

TO: Michael F. Kremins, Esq.
Raskin & Kremins, LLP
Attorneys for Plaintiff
160 Broadway – 4th Floor
New York, New York 10038
(212) 587-3434
kremlaw@netzero.com